



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

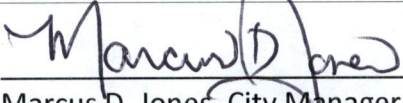
June 10, 2014

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages
– John Porter**

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/7

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-7

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** To allow the applicant to operate a restaurant with entertainment and alcoholic beverages available to its customers.
- IV. **Applicant:** John Porter
2406 Colonial Avenue, Unit A
- V. **Description**

	Proposed
Hours of Operation	9:00 a.m. until 2:00 a.m, seven days a week
Hours for Entertainment and the Sale of Alcohol	10:00 a.m. until 2:00 a.m, seven days a week
Entertainment Options	5 member live band, Karaoke, Comedian, Poetry Reading
Seating	49 seats indoor 48 seats outdoor 119 total capacity

- VI. Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov
Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- Letter of support – Park Place Civic League
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

May 22, 2014

From: Matthew Simons,
City Planner II *MS*

Subject: Special exception to
operate an entertainment
establishment with alcoholic
beverages at 2406 Colonial
Avenue, Unit A – John Porter

Reviewed: Leonard M. Newcomb III, CFM *LMN*
Land Use Services Manager

Ward/Superward: 2/7

Approved: *[Signature]*
George M. Homewood, AICP, CFM
Planning Director

Item Number: 8

I. **Recommendation:** Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.

II. **Applicant:** John Porter
2406 Colonial Avenue, Unit A

III. **Description:**
This request would allow John Porter to operate a restaurant with entertainment options and serve alcoholic beverages to its customers.

IV. **Analysis**
The site is located on the northeast corner of Colonial Avenue and West 24th Street, just south of the Park Place neighborhood.

Plan Analysis

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- City Planning Commission is considering an amendment to *plaNorfolk2030* which would establish development criteria for development along this section of Colonial Avenue.
 - It calls for buildings to be located no more than 10 feet from the right-of-way line, first floors to be transparent, parking to be located to the rear or screened from view, and uses to be pedestrian-oriented.
 - The proposed site plan conforms to all of these revisions that are currently proposed to be added to *plaNorfolk2030*.

Zoning Analysis

- The site is located in a conditional C-2 (Corridor Commercial) zoning district, which permits the proposed uses with a special exception.

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Hours for Entertainment and the Sale of Alcohol	10:00 a.m. until 2:00 a.m, seven days a week
Entertainment Options	5 member live band, Karaoke, Comedian, Poetry Reading
Seating	49 seats indoor 48 seats outdoor 119 total capacity

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 218 new vehicle trips per day.
 - Based upon ITE data, the prior office use on this site would be expected to generate 19 weekday trips while the proposed new restaurant would be expected to generate 237 trips on weekdays.

Parking Analysis

- Off-street parking is shared amongst two uses in one structure; one residential unit that was previously approved in 2013, and the proposed entertainment establishment.
- A parking analysis was performed to ensure that the parking requirements of both uses will be met.
 - There is currently a vacant portion of the site to the south that will be resurfaced to accommodate the required parking necessary to meet *Zoning Ordinance* requirements for both the proposed use and the residential unit that was previously approved in 2013.
 - The current parking regulations require 10 parking spaces, given the square footage of the establishment, and 1 space for the residential unit above in order to meet the requirements for both uses on the site.
 - The proposed site plan accommodates 12 parking spaces.
 - The *Zoning Ordinance* exempts outdoor dining from the off-street parking requirement due to the variable nature of the weather.
 - Therefore, the outdoor dining is required to remain open to the elements without accommodations for heating or cooling the space.
- Since the proposed use represents an increase in intensity, the new use is required to provide 1 bicycle parking space given the buildings square footage.
 - The proposed site plan proposes a bike rack sufficient to accommodate 5 bicycles.

V. Financial Impact

- The property owner is current on all taxes.
- Reuse of this currently vacant commercial site will increase meals tax revenue and provide new opportunities for employment.

VI. Environmental

- The site is located in a district surrounded by a mix of primarily industrial with some commercial and residential nearby.
- Improvements to include landscaping along Colonial Avenue and West 24th Street.

VII. Community Outreach/Notification

- Legal notice was posted on the property on April 15.
- Letter was sent to the Park Place Civic League on May 1.
- Letters were mailed to all property owners within 300 feet of the property on May 7.
- Notice was sent to the civic leagues by the Department of Communications and Technology on May 7.
- Legal notification was placed in *The Virginian-Pilot* on May 8 and 15.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of similar ABC Establishments with Special Exceptions
- Application
- Letter to the Civic League

From: Frank Kriston <fjkriston@gmail.com>

Sent: Tuesday, May 13, 2014 8:39 AM

To: Simons, Matthew

Subject: John Porter -Special Exceptions

Mr. Simons:

After a presentation from John Porter on his plans to enhance Handsome Biscuit at 2511 Colonial Ave and his plans to renovate and operate an entertainment establishment at 2406 Colonial Avenue, it was determined unanimously by the body of the Civic League that we fully support his proposals.

Both are in line with our neighborhood initiatives, and we are confident that Mr. Porter will create a pedestrian friendly and cohesive addition to the Colonial Avenue PCO district.

If I can offer any further information, please do not hesitate to contact me.

Best regards,

Frank Kriston
President, Park Place Civic League

Proponents and Opponents

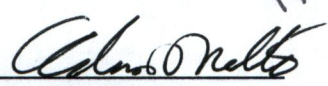
Proponents

John Porter – Applicant
2511 Colonial Avenue
Norfolk, VA 23517

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO CORNER SPOT, INC. AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT, NOT YET NAMED, ON PROPERTY LOCATED AT 2406 COLONIAL AVENUE, UNIT A.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Corner Spot, Inc. authorizing the operation of an entertainment establishment, yet to be named, on property located at 2406 Colonial Avenue, Unit A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 105 feet, more or less, along the eastern line of Colonial Avenue and 100 feet, more or less, along the northern line of West 24th Street; premises numbered 2406 Colonial Avenue, Unit A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 9:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages and for entertainment shall be from 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The seating for the establishment shall not exceed 49 seats indoors, 48 seats outdoors, and the total occupant capacity, including employees, shall not exceed 119 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits

has been issued by the Department of Planning.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) A landscape plan showing plantings to be located where identified in the site plan attached hereto as part of "Exhibit B" shall be submitted to the Department of Recreation Parks and Open Space for review and approval. The landscaping shall be installed and maintained in accordance with the approved plan prior to the issuance of any business license for any new business on the property.
- (f) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedians and poetry reading. No other form of entertainment is permitted.
- (g) There shall be no dance floor provided.
- (h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".
- (i) No portion of the outdoor dining area shall be enclosed, heated, or cooled and any covering must leave the dining space open on at least three sides.
- (j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

- (k) The establishment shall maintain a current, active business license at all times while in operation.
- (l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (m) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (p) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (q) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change.

Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (v) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (w) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For

purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permits;
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program;
 - (10) The establishment's Security Plan.
- (x) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 89 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (y) The written security plan submitted to the City as part of the application for this Special Exception

and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (5 pages)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 4-7-2014

Trade name of business TBD

Address of business 2406 Colonial Avenue

Name(s) of business owner(s)* John Porter, David Hausmann d.b.a. Corner Spot, Inc.

Name(s) of property owner(s)* Ben Magherefteh / Michael, LLC

Name(s) of business manager(s)/operator(s) John Porter, David Hausmann

Daytime telephone number (757) 450-4303

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>9am</u> To <u>2am</u>	Weekday From <u>10am</u> To <u>2am</u>
Friday From <u>9am</u> To <u>2am</u>	Friday From <u>10am</u> To <u>2am</u>
Saturday From <u>9am</u> To <u>2am</u>	Saturday From <u>10am</u> To <u>2am</u>
Sunday From <u>9am</u> To <u>2am</u>	Sunday From <u>10am</u> To <u>2am</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

cover charge for band

5b. Which days of the week will there be a cover charge (circle all applicable days):

☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday ☒ Friday
☒ Saturday ☒ Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

BIRTHDAYS, SHOWERS, SPECIAL OCCASIONS, ETC.

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☐ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☐ Yes ☐ No

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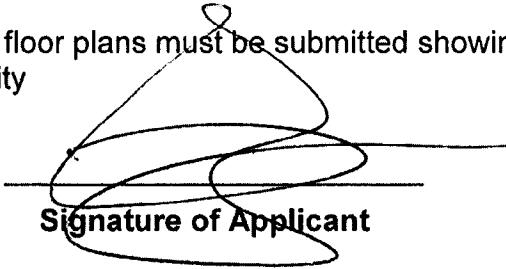
(Revised July 2013)

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Owner of Handsome Biscuit and Field Guide

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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Norfolk, Virginia 23510

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(Revised July 2013)

Exhibit B**Floor Plan(s) Worksheet**

Layout A

Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity**a. Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

b. Outdoor

Number of seats

c. Number of employees**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) =

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

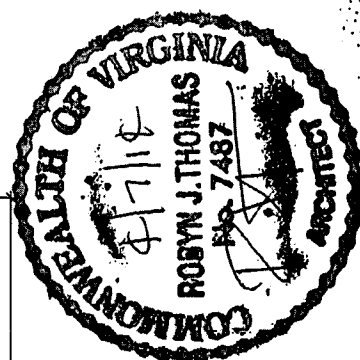
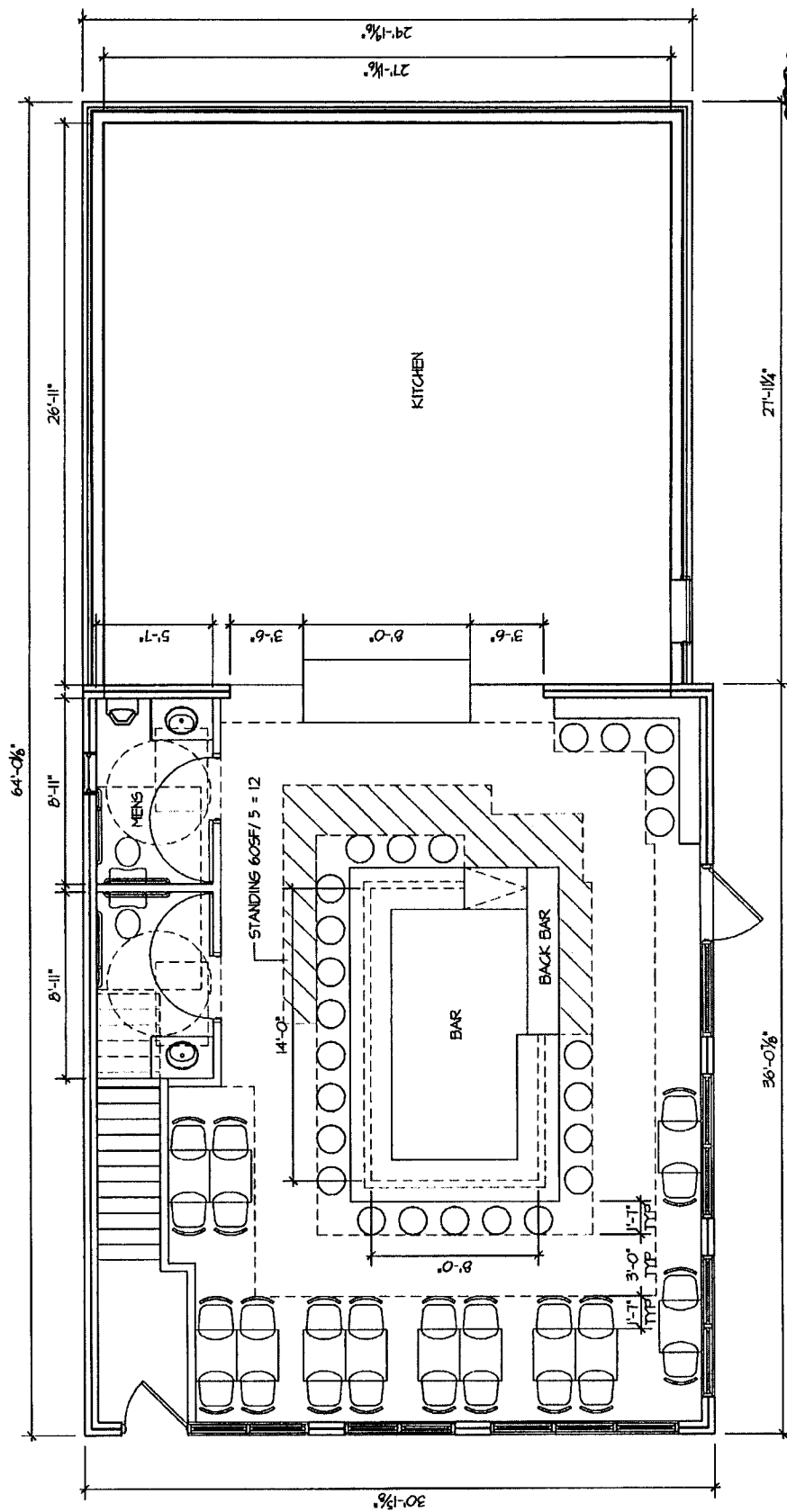
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(Revised July 2013)



2406 COLONIAL AVE. LAYOUT A NO ENTERTAINMENT
1/8" = 1'-0"

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

Layout B

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

b. Outdoor

Number of seats

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) =

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List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

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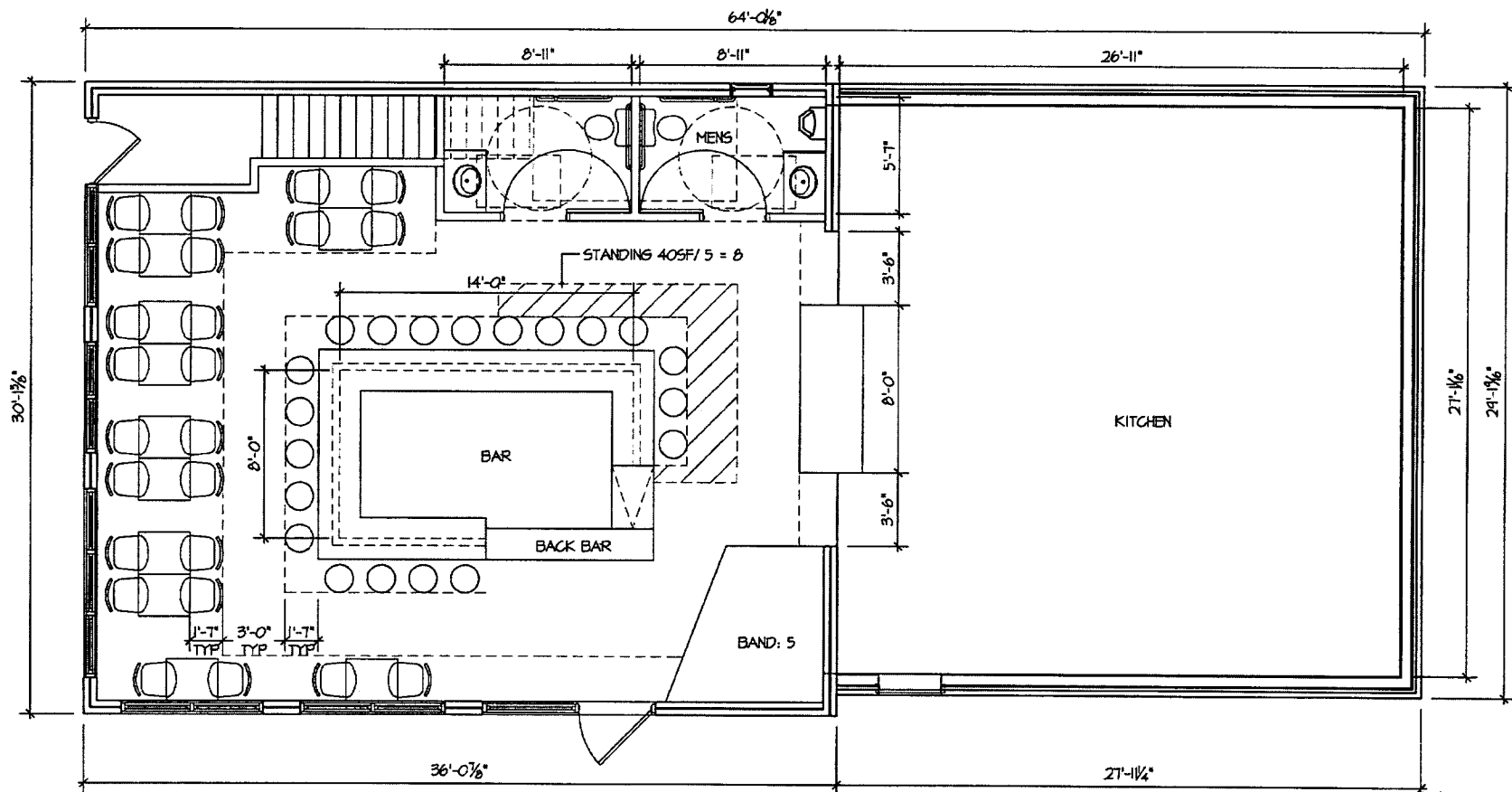
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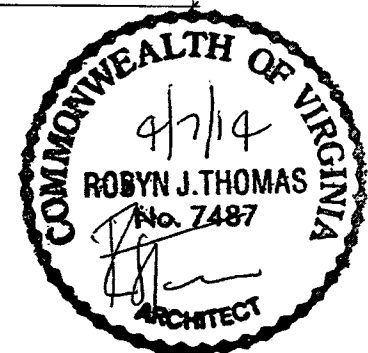
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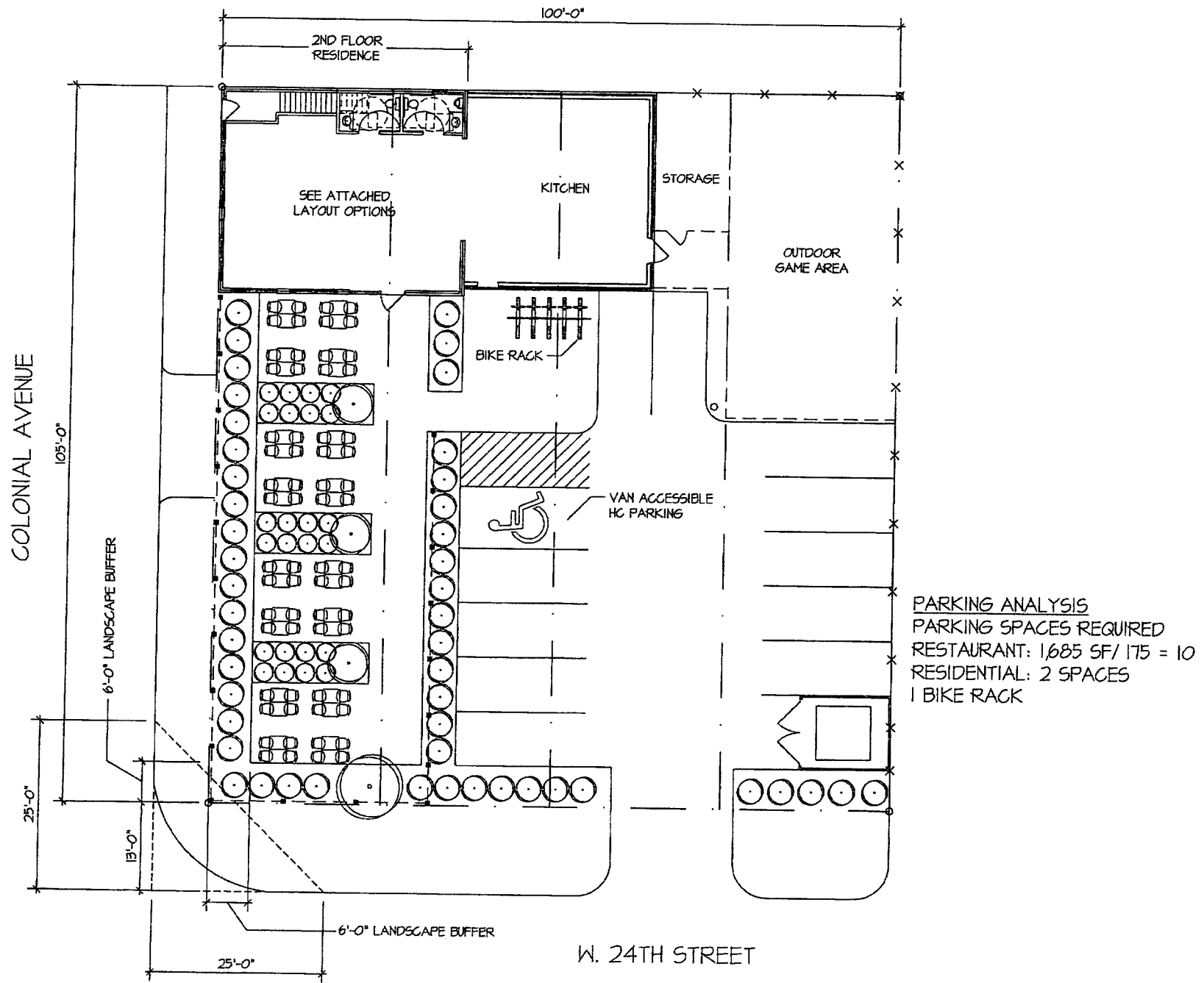
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



2406 COLONIAL AVE. LAYOUT B W/ ENTERTAINMENT (5 MEMBER BAND)
 1/8" = 1'-0"





ARCHITECTURAL SITE PLAN: 2406 COLONIAL AVENUE

1" = 20'-0"

John Porter – 2406 Colonial Avenue
Entertainment Establishment Conditions

- (a) The hours of operation for the establishment shall be from 9:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages, and for entertainment shall be from 10:00 a.m. until 2:00 a.m., seven days a week.
- (c) The seating for the establishment shall not exceed 49 seats indoors, 48 seats outdoors, and the total occupant capacity, including employees, shall not exceed 119 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (e) A landscape plan, showing plantings to be located in the locations identified in the attached site plan set forth in "Exhibit B," and attached hereto, shall be submitted to the Department of Recreation Parks and Open Space for review and approval. The landscaping shall be installed and maintained in accordance with the approved plan prior to the issuance of any business license to the site.
- (f) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (g) Entertainment shall be limited to live bands having no more than 5 members, karaoke, comedians and poetry reading. No other form of entertainment is permitted.

- (h) There shall be no dancing and no dance floor provided.
- (i) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
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- (l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (m) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (p) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (q) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any

owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (v) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (w) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;

- (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (x) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 89 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (y) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Print Name: John Porroer

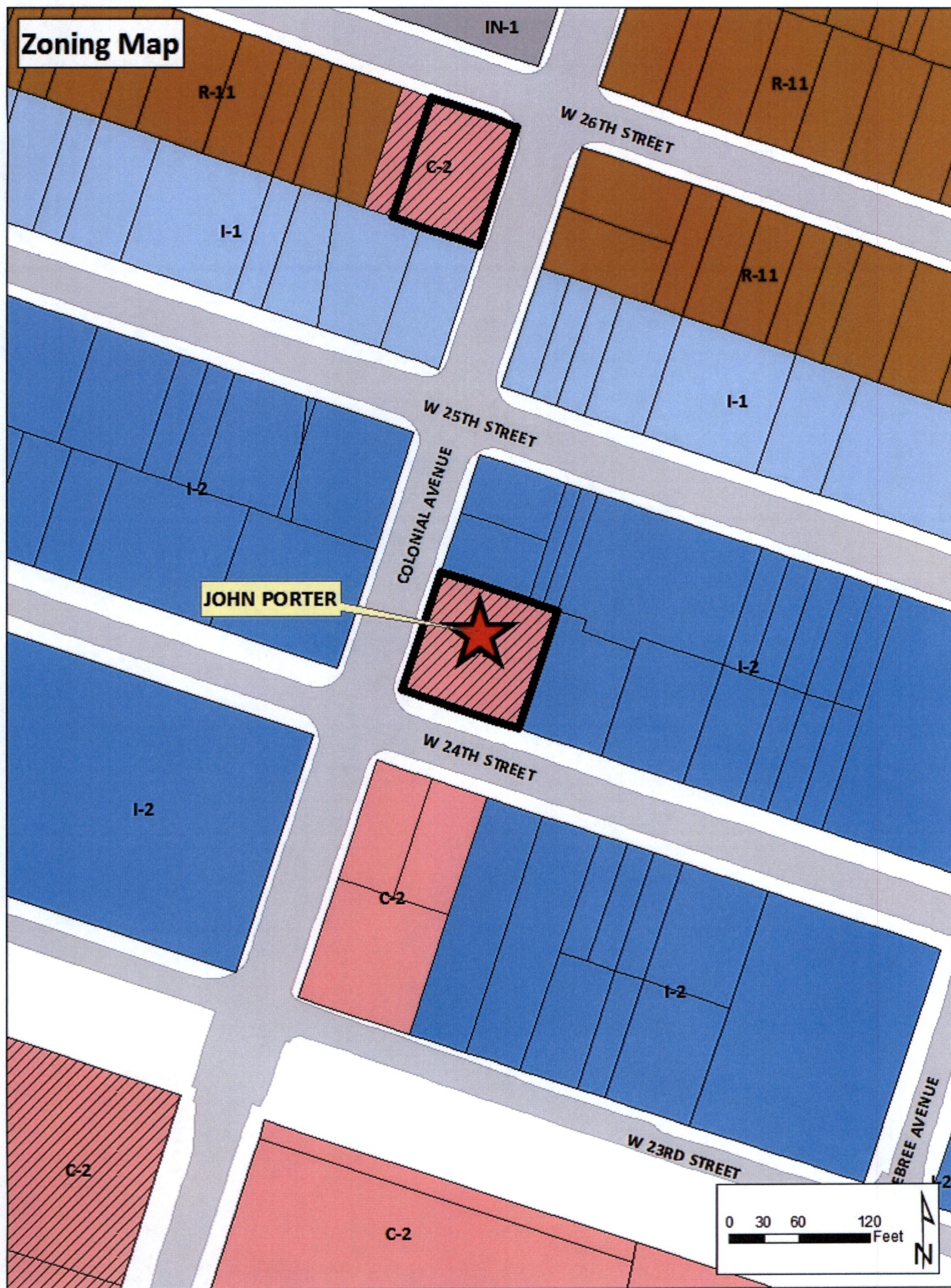
Sign: [Signature]

Date: 5/16/2014

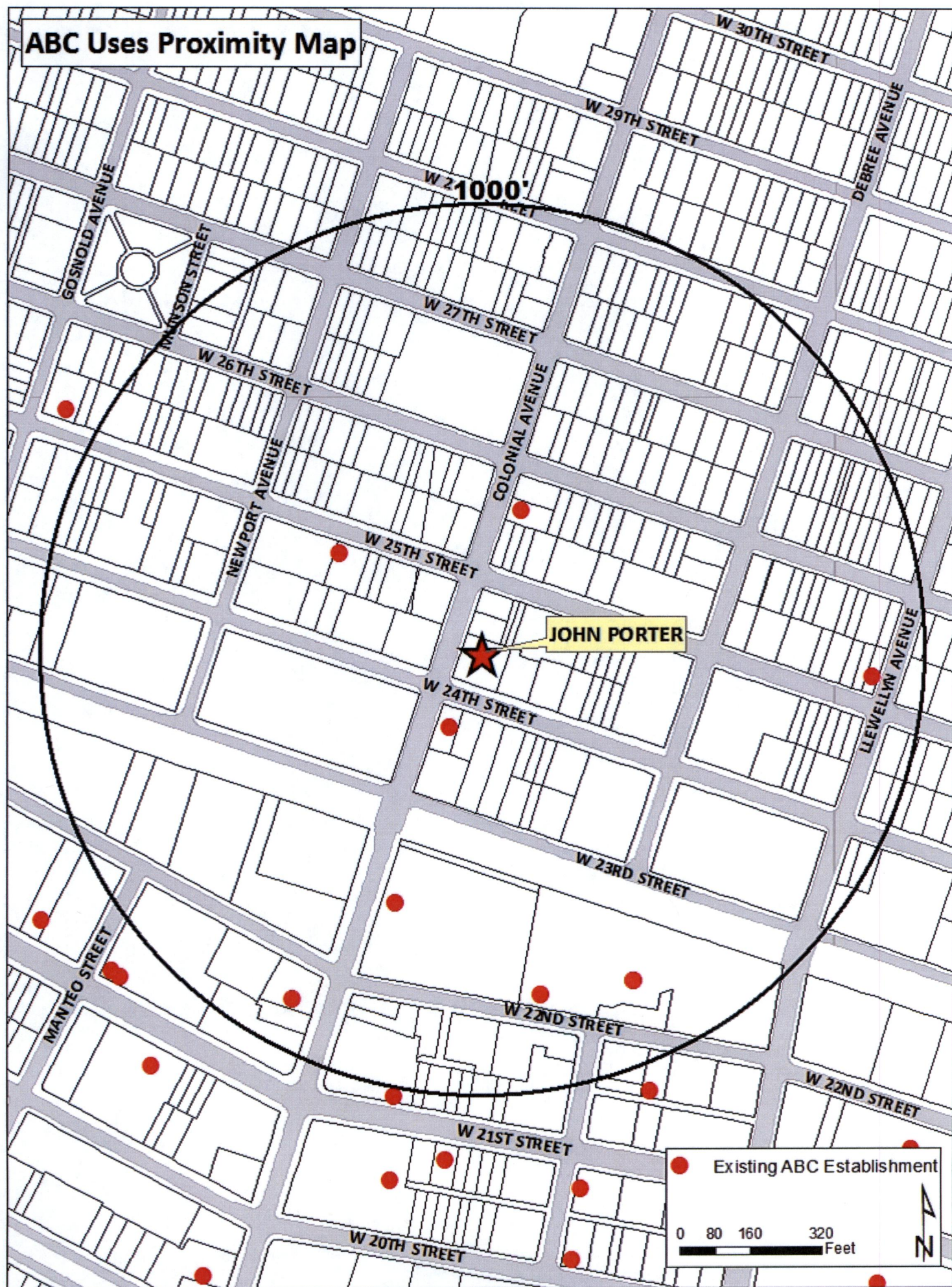
Location Map



Zoning Map



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date

DESCRIPTION OF PROPERTY

Address

Existing Use of Property

Proposed Use

Current Building Square Footage

Proposed Building Square Footage

Trade Name of Business (If applicable)

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box)

(City) (State) (Zip Code)

Daytime telephone number of applicant Fax number

E-mail address of applicant

2. Name of property owner (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box)

(City) (State) (Zip Code)

Daytime telephone number of owner Fax number

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

**Application
Entertainment Establishment
Page 2**

CONTACT INFORMATION

Civic League contact Frank Kriston (President)

Date(s) contacted 4-7-2014

Ward/Super Ward information Theresa Whibley/Angelia Williams

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Robert Sign: Robert 4/7/2014
(Property Owner or Authorized Agent Signature) (Date)

short for owner

Print name: JOHN PORTER Sign: [Signature] 4/7/2014
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

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City of NORFOLK

May 1, 2014

Frank Kriston
President, Park Place Civic League
219 W. 29th Street
Norfolk, VA 23504

Dear Mr. Kriston,

The Planning Department has received an application for a special exception to operate an entertainment establishment with alcoholic beverages on property located at 2406 Colonial Avenue. This item is tentatively scheduled for the May 22, 2014 City Planning Commission public hearing.

Summary

This request would allow for operation of new restaurant, by John Porter, to provide entertainment and alcoholic beverages to their customers.

	Proposed
Hours of Operation	9:00 a.m. until 2:00 a.m, seven days a week
Hours for Entertainment and the Sale of Alcohol	10:00 a.m. until 2:00 a.m, seven days a week
Entertainment Options	5 member live band, Karaoke, Comedian, Poetry Reading
Seating	49 seats indoor 48 seats outdoor 119 total capacity

If you would like additional information on the request, you may contact the applicant, John Porter, at (757) 450-4303 or you may contact me at matthew.simons@norfolk.gov or (757) 664-4750. A copy of the applications is enclosed.

Sincerely,

Matthew Simons
City Planner II

cc: Vanessa Seals, Senior Neighborhood Development Specialist
Vanessa.Seals@norfolk.gov or (757) 823-4357